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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,416	06/13/2000	Jagdish V. Sonti	71493-736	5757

293                      7590                      12/10/2003  
DOWELL & DOWELL PC  
SUITE 309  
1215 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

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DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

# Office Action Summary

Application No.

09/592,416

Applicant(s)

Sonti et al.

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15, 19, 28-34, 38, 50, and 53-60 is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-18, 20-27, 35-37, 39-49, 51, and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

I. Claims 1-8, 16-18, 20-27, 35-49, 51, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Falco et al. (US 6,545,996 B1) hereinafter Falco.

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1. Regarding claims 1 and 20 and 39 - Falco discloses establishing a plurality of page queues, refer to column 4 line 61 to column 5 line 19.

Falco discloses assigning page requests relating to different services, voice page or SMS page, to each of the page queues, based on the determined service-to-queue mapping, voice pages are given priority over SMS pages, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

Falco discloses dequeuing the pages according to a pre-determined dequeuing algorithm, column 5 lines 57 to column 6 line 17.

Falco discloses transmitting the dequeued pages on the paging channel, the time slot allocated to the mobile station, refer to column 2 line 48 to column 3 line 53.

2. Regarding claims 2 and 7 and 17 and 21 and 26 and 27 and 36 and 40 and 45 and 46 and 48 - Falco discloses that the service-to-queue mapping is determined dynamically according to the current state of the queues, refer to column 5 line 57 to column 6 line 17.

3. Regarding claims 3 and 22 and 41 and 51 - Falco discloses assigning page requests relating to different services to each of the paging channels according to a predetermined service-to-paging channel mapping, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

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Falco discloses the mapping being based on the type of service sought to be accessed, voice page or SMS page, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

Falco discloses transmitting each of the pages on the assigned paging channels, refer to column 2 line 48 to column 3 line 53.

4. Regrading claims 4 and 23 and 42 - Falco discloses assigning page requests relating to different services to each of the paging channels according to a predetermined service-to-paging channel mapping, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

Falco discloses establishing a plurality of page queues, refer to column 4 line 61 to column 5 line 19.

Falco discloses assigning page requests relating to different services, voice page or SMS page, to each of the page queues, based on the determined service-to-queue mapping, voice pages are given priority over SMS pages, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

Falco discloses dequeuing the pages according to a pre-determined dequeuing algorithm, column 5 lines 57 to column 6 line 17.

Falco discloses transmitting the dequeued pages on the paging channel, the time slot allocated to the mobile station, refer to column 2 line 48 to column 3 line 53.

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5. Regarding claims 5 and 6 and 24 and 25 and 43 and 44 and 52 - Falco discloses that the service-to-queue mapping is determined dynamically according to the loading of the paging channels, refer to column 5 line 57 to column 6 line 39.

6. Regarding claims 16 and 35 and 47 - Falco discloses establishing a plurality of page queues, refer to column 4 line 61 to column 5 line 19.

Falco discloses assigning page requests relating to different services, voice page or SMS page, to each of the page queues, based on the determined service-to-queue mapping, voice pages are given priority over SMS pages, refer to column 2 line 48 to column 3 line 5 and column 4 line 61 to column 5 line 19.

Falco discloses dequeuing the pages according to a pre-determined dequeuing algorithm, column 5 lines 57 to column 6 line 17.

Falco discloses transmitting the dequeued pages on the paging channel, the time slot allocated to the mobile station, refer to column 2 line 48 to column 3 line 53.

7. Regarding claims 18 and 37 and 49 - Falco discloses that the dequeued pages are transmitted on the paging channels (time slots) in round-robin fashion which is completed by transmitting the pages on each time slot in sequence one after the other the same as round-robin, refer to column 2 line 48 to column 3 line 4.

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*Allowable Subject Matter*

Claims 9-15, 19, 28-34, 38, 50, and 53-60 are allowable over the prior art of record.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Jones et al. (US 5,726,640) discloses a system and method for scheduling the transmission of pages having different protocols.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)


Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

6 December 2003

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**